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OFFICE OF PETITIONS

KRAMER & AMADO, P.C.
1725 Duke Street, Suite 240
Alexandria VA 22314

In re Patent No. 7,590,072 : DECISION ON REQUEST FOR
Radi et al. : RECONSIDERATION OF
Issue Date: September 15, 2009: PATENT TERM ADJUSTMENT AND
Application No. 10/798,412 : NOTICE OF INTENT TO ISSUE
Filed: March 12, 2004 : CERTIFICATE OF CORRECTION
Attorney Docket No. ALC 3120 :

This is in response to the Reply To Decision Dismissing
Request for Recalculation of PTA in View of Wyeth, filed May 20,
2010, which is being treated as a petition under 37 CFR
1.705(d).

The petition to correct the patent term adjustment indicated on
the above-identified patent is **GRANTED to the extent indicated
herein**. The term of the above-identified patent is extended or
adjusted by **one thousand one hundred forty-six (1146) days**.

After further review, the Office concludes that the A Delay is
812 days and applicant delay is 5 days. As the period from the
filing date of the request for continued examination (RCE) to
the issue date of the patent is not included in the B delay
period, the over three year period begins on March 13, 2007, and
ends on July 6, 2008, the day before the RCE was filed, and is
482 days. See 35 U.S.C. 154(b)(1)(B)(i). However, the A Delay
and B Delay overlap by 143 days, beginning on March 13, 2007 and
ending on August 2, 2007. See 35 USC 154(b)(2)(A).

Accordingly, the patent term adjustment is 1146 days (812 days
of A delay + 482 days of B delay - 143 days of overlap - 5
applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand one hundred forty-six (1146) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT: 7,590,072 B2

DATED: Sep. 15, 2009 **DRAFT**

INVENTOR(S): Radi et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 807 days

Delete the phrase "by 807 days" and insert -- by 1146 days--